

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 650

Introduced by Christensen, 44.

Read first time January 21, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections
2 60-471, 60-501, 60-520, 60-547, and 60-638, Reissue
3 Revised Statutes of Nebraska, and sections 60-101,
4 60-102, 60-136, 60-301, 60-339, 60-4,126, 60-601, and
5 60-605, Revised Statutes Cumulative Supplement, 2008; to
6 authorize the operation of minitrucks on public highways
7 as prescribed; to define terms; to harmonize provisions;
8 and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-101, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-101 Sections 60-101 to 60-197 and sections 3 and 5
4 of this act shall be known and may be cited as the Motor Vehicle
5 Certificate of Title Act.

6 Sec. 2. Section 60-102, Revised Statutes Cumulative
7 Supplement, 2008, is amended to read:

8 60-102 For purposes of the Motor Vehicle Certificate of
9 Title Act, unless the context otherwise requires, the definitions
10 found in sections 60-103 to 60-136.01 and section 3 of this act
11 shall be used.

12 Sec. 3. Minitruck means a foreign-manufactured import
13 vehicle or domestic-manufactured vehicle which (1) is powered by
14 an internal combustion engine with a piston or rotor displacement
15 of one thousand cubic centimeters or less, (2) is sixty-seven
16 inches or less in width, (3) has a dry weight of four thousand
17 two hundred pounds or less, (4) travels on four or more tires,
18 (5) has a top speed of approximately fifty-five miles per hour,
19 (6) is equipped with a bed or compartment for hauling, (7)
20 has an enclosed passenger cab, (8) is equipped with headlights,
21 taillights, turnsignals, windshield wipers, a rearview mirror,
22 and an occupant protection system, and (9) has a four-speed,
23 five-speed, or automatic transmission.

24 Sec. 4. Section 60-136, Revised Statutes Cumulative
25 Supplement, 2008, is amended to read:

1 60-136 Vehicle means a motor vehicle, minitruck,
2 all-terrain vehicle, minibike, trailer, or semitrailer.

3 Sec. 5. If a minitruck does not have a manufacturer's
4 vehicle identification number, the owner of the minitruck may apply
5 for a certificate of title by presenting a manufacturer's statement
6 of origin for the minitruck, a statement that an inspection has
7 been conducted on the minitruck, and a vehicle identification
8 number as described in section 60-148. The certificate of title
9 shall indicate the year of the minitruck as the year application
10 for title was made and the make of the minitruck.

11 Sec. 6. Section 60-301, Revised Statutes Cumulative
12 Supplement, 2008, is amended to read:

13 60-301 Sections 60-301 to 60-3,221 and section 7 of
14 this act shall be known and may be cited as the Motor Vehicle
15 Registration Act.

16 Sec. 7. Minitruck means a foreign-manufactured import
17 vehicle or domestic-manufactured vehicle which (1) is powered by
18 an internal combustion engine with a piston or rotor displacement
19 of one thousand cubic centimeters or less, (2) is sixty-seven
20 inches or less in width, (3) has a dry weight of four thousand
21 two hundred pounds or less, (4) travels on four or more tires,
22 (5) has a top speed of approximately fifty-five miles per hour,
23 (6) is equipped with a bed or compartment for hauling, (7)
24 has an enclosed passenger cab, (8) is equipped with headlights,
25 taillights, turnsignals, windshield wipers, a rearview mirror,

1 and an occupant protection system, and (9) has a four-speed,
2 five-speed, or automatic transmission.

3 Sec. 8. Section 60-339, Revised Statutes Cumulative
4 Supplement, 2008, is amended to read:

5 60-339 Motor vehicle means any vehicle propelled by
6 any power other than muscular power, including minitrucks. Motor
7 vehicle does not include ~~except~~ (1) mopeds, (2) farm tractors, (3)
8 self-propelled equipment designed and used exclusively to carry and
9 apply fertilizer, chemicals, or related products to agricultural
10 soil and crops, agricultural floater-spreader implements, and other
11 implements of husbandry designed for and used primarily for tilling
12 the soil and harvesting crops or feeding livestock, (4) power unit
13 hay grinders or a combination which includes a power unit and a
14 hay grinder when operated without cargo, (5) vehicles which run
15 only on rails or tracks, (6) off-road designed vehicles, including,
16 but not limited to, golf carts, go-carts, riding lawnmowers,
17 garden tractors, all-terrain vehicles, snowmobiles registered or
18 exempt from registration under sections 60-3,207 to 60-3,219,
19 and minibikes, (7) road and general-purpose construction and
20 maintenance machinery not designed or used primarily for the
21 transportation of persons or property, including, but not limited
22 to, ditchdigging apparatus, asphalt spreaders, bucket loaders,
23 leveling graders, earthmoving carryalls, power shovels, earthmoving
24 equipment, and crawler tractors, (8) self-propelled chairs used by
25 persons who are disabled, (9) electric personal assistive mobility

1 devices, and (10) low-speed vehicles.

2 Sec. 9. Section 60-471, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 60-471 Motor vehicle means all vehicles propelled by
5 any power other than muscular power, including minitrucks. Motor
6 vehicle does not include ~~except~~ (1) self-propelled chairs used by
7 persons who are disabled, (2) farm tractors, (3) farm tractors
8 used occasionally outside general farm usage, (4) road rollers, (5)
9 vehicles which run only on rails or tracks, (6) electric personal
10 assistive mobility devices as defined in section 60-618.02, and
11 (7) off-road vehicles, including, but not limited to, golf carts,
12 go-carts, riding lawn mowers, garden tractors, all-terrain vehicles
13 as defined in section 60-6,355, minibikes as defined in section
14 60-636, and snowmobiles as defined in section 60-663.

15 Sec. 10. Section 60-4,126, Revised Statutes Cumulative
16 Supplement, 2008, is amended to read:

17 60-4,126 Any person who is younger than sixteen years of
18 age but is over thirteen years of age and resides upon a farm in
19 this state or is fourteen years of age or older and is employed
20 for compensation upon a farm in this state may obtain a farm permit
21 authorizing the operation of farm tractors, minitrucks, and other
22 motorized implements of farm husbandry upon the highways of this
23 state if the applicant for such farm permit furnishes satisfactory
24 proof of age and satisfactorily demonstrates that he or she has
25 knowledge of the operation of such equipment and of the rules

1 of the road and laws respecting the operation of motor vehicles
2 upon the highways of this state. Any person under sixteen years
3 of age but not less than thirteen years of age may obtain a
4 temporary permit to operate such equipment for a six-month period
5 after presentation to the department of a request for the temporary
6 permit signed by the person's parent or guardian and payment of
7 the fee and surcharge prescribed in section 60-4,115. After the
8 expiration of the six-month period, it shall be unlawful for such
9 person to operate such equipment upon the highways of this state
10 unless he or she has been issued a farm permit under this section.
11 The fee for an original, renewal, or duplicate farm permit shall
12 be the fee and surcharge prescribed in section 60-4,115. All farm
13 permits shall be subject to revocation under the terms of section
14 60-496. Any person who violates the terms of a farm permit shall
15 be guilty of an infraction and shall not be eligible for another
16 school, farm, LPD-learner's, or LPE-learner's permit until he or
17 she has attained the age of sixteen years.

18 Sec. 11. Section 60-501, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 60-501 For purposes of the Motor Vehicle Safety
21 Responsibility Act, unless the context otherwise requires:

22 (1) Department means Department of Motor Vehicles;

23 (2) Judgment means any judgment which shall have become
24 final by the expiration of the time within which an appeal might
25 have been perfected without being appealed, or by final affirmation

1 on appeal, rendered by a court of competent jurisdiction of any
2 state or of the United States, (a) upon a cause of action arising
3 out of the ownership, maintenance, or use of any motor vehicle for
4 damages, including damages for care and loss of services, because
5 of bodily injury to or death of any person or for damages because
6 of injury to or destruction of property, including the loss of
7 use thereof, or (b) upon a cause of action on an agreement of
8 settlement for such damages;

9 (3) License means any license issued to any person under
10 the laws of this state pertaining to operation of a motor vehicle
11 within this state;

12 (4) Minitruck means a foreign-manufactured import vehicle
13 or domestic-manufactured vehicle which (1) is powered by an
14 internal combustion engine with a piston or rotor displacement
15 of one thousand cubic centimeters or less, (2) is sixty-seven
16 inches or less in width, (3) has a dry weight of four thousand
17 two hundred pounds or less, (4) travels on four or more tires,
18 (5) has a top speed of approximately fifty-five miles per hour,
19 (6) is equipped with a bed or compartment for hauling, (7)
20 has an enclosed passenger cab, (8) is equipped with headlights,
21 taillights, turnsignals, windshield wipers, a rearview mirror,
22 and an occupant protection system, and (9) has a four-speed,
23 five-speed, or automatic transmission;

24 ~~(4)~~ (5) Motor vehicle means any self-propelled vehicle
25 which is designed for use upon a highway, including trailers

1 designed for use with such vehicles, ~~except~~ and minitrucks. Motor
2 vehicle does not include (a) mopeds as defined in section 60-637,
3 (b) traction engines, (c) road rollers, (d) farm tractors, (e)
4 tractor cranes, (f) power shovels, (g) well drillers, (h) every
5 vehicle which is propelled by electric power obtained from overhead
6 wires but not operated upon rails, (i) electric personal assistive
7 mobility devices as defined in section 60-618.02, and (j) off-road
8 designed vehicles, including, but not limited to, golf carts,
9 go-carts, riding lawnmowers, garden tractors, all-terrain vehicles
10 as defined in section 60-6,355, minibikes as defined in section
11 60-636, and snowmobiles as defined in section 60-663;

12 ~~(5)~~ (6) Nonresident means every person who is not a
13 resident of this state;

14 ~~(6)~~ (7) Nonresident's operating privilege means the
15 privilege conferred upon a nonresident by the laws of this state
16 pertaining to the operation by him or her of a motor vehicle or the
17 use of a motor vehicle owned by him or her in this state;

18 ~~(7)~~ (8) Operator means every person who is in actual
19 physical control of a motor vehicle;

20 ~~(8)~~ (9) Owner means a person who holds the legal title of
21 a motor vehicle, or in the event (a) a motor vehicle is the subject
22 of an agreement for the conditional sale or lease thereof with the
23 right of purchase upon performance of the conditions stated in the
24 agreement and with an immediate right of possession vested in the
25 conditional vendee or lessee or (b) a mortgagor of a vehicle is

1 entitled to possession, then such conditional vendee or lessee or
2 mortgagor shall be deemed the owner for the purposes of the act;

3 ~~(9)~~ (10) Person means every natural person, firm,
4 partnership, limited liability company, association, or
5 corporation;

6 ~~(10)~~ (11) Proof of financial responsibility means
7 evidence of ability to respond in damages for liability, on account
8 of accidents occurring subsequent to the effective date of such
9 proof, arising out of the ownership, maintenance, or use of a
10 motor vehicle, (a) in the amount of twenty-five thousand dollars
11 because of bodily injury to or death of one person in any one
12 accident, (b) subject to such limit for one person, in the amount
13 of fifty thousand dollars because of bodily injury to or death of
14 two or more persons in any one accident, and (c) in the amount of
15 twenty-five thousand dollars because of injury to or destruction of
16 property of others in any one accident;

17 ~~(11)~~ (12) Registration means registration certificate or
18 certificates and registration plates issued under the laws of this
19 state pertaining to the registration of motor vehicles;

20 ~~(12)~~ (13) State means any state, territory, or possession
21 of the United States, the District of Columbia, or any province of
22 the Dominion of Canada; and

23 ~~(13)~~ (14) The forfeiture of bail, not vacated, or of
24 collateral deposited to secure an appearance for trial shall be
25 regarded as equivalent to conviction of the offense charged.

1 Sec. 12. Section 60-520, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-520 Judgments in excess of the amounts specified in
4 subdivision ~~(10)~~ (11) of section 60-501 shall, for the purpose of
5 sections 60-501 to 60-569 only, be deemed satisfied when payments
6 in the amounts so specified have been credited thereon. Payments
7 ~~÷ PROVIDED, payments~~ made in settlement of any claims because
8 of bodily injury, death or property damage arising from a motor
9 vehicle accident shall be credited in reduction of the respective
10 amounts so specified.

11 Sec. 13. Section 60-547, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 60-547 Proof of financial responsibility may be evidenced
14 by the bond of a surety company duly authorized to transact
15 business within this state, or a bond with at least two individual
16 sureties who each own real estate within this state, which real
17 estate shall be scheduled in the bond approved by a judge of a
18 court of record. The said bond shall be conditioned for the payment
19 of the amounts specified in ~~subsection (10)~~ subdivision (11) of
20 section 60-501. It shall be filed with the department and shall
21 not be cancelable except after ten days' written notice to the
22 department. Such bond shall constitute a lien in favor of the state
23 upon the real estate so scheduled of any surety, which lien shall
24 exist in favor of any holder of a final judgment against the person
25 who has filed such bond, for damages, including damages for care

1 and loss of services, because of bodily injury to or death of
2 any person, or for damages because of injury to or destruction of
3 property, including the loss of use thereof, resulting from the
4 ownership, maintenance, use or operation of a motor vehicle after
5 such bond was filed, upon the filing of notice to that effect by
6 the department in the office of the register of deeds of the county
7 where such real estate shall be located.

8 Sec. 14. Section 60-601, Revised Statutes Cumulative
9 Supplement, 2008, is amended to read:

10 60-601 Sections 60-601 to 60-6,377 and sections 17 and 18
11 of this act shall be known and may be cited as the Nebraska Rules
12 of the Road.

13 Sec. 15. Section 60-605, Revised Statutes Cumulative
14 Supplement, 2008, is amended to read:

15 60-605 For purposes of the Nebraska Rules of the Road,
16 the definitions found in sections 60-606 to 60-676 and section 17
17 of this act shall be used.

18 Sec. 16. Section 60-638, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 60-638 Motor vehicle shall mean every self-propelled
21 land vehicle, not operated upon rails, including minitrucks. Motor
22 vehicle shall not include ~~except~~ mopeds, self-propelled chairs
23 used by persons who are disabled, and electric personal assistive
24 mobility devices.

25 Sec. 17. Minitruck means a foreign-manufactured import

1 vehicle or domestic-manufactured vehicle which (1) is powered by
2 an internal combustion engine with a piston or rotor displacement
3 of one thousand cubic centimeters or less, (2) is sixty-seven
4 inches or less in width, (3) has a dry weight of four thousand
5 two hundred pounds or less, (4) travels on four or more tires,
6 (5) has a top speed of approximately fifty-five miles per hour,
7 (6) is equipped with a bed or compartment for hauling, (7)
8 has an enclosed passenger cab, (8) is equipped with headlights,
9 taillights, turnsignals, windshield wipers, a rearview mirror,
10 and an occupant protection system, and (9) has a four-speed,
11 five-speed, or automatic transmission.

12 Sec. 18. (1) A minitruck shall not be operated on
13 the National System of Interstate and Defense Highways on
14 controlled-access highways, or on expressways.

15 (2) A minitruck shall be operated with its headlights and
16 taillights on.

17 Sec. 19. Original sections 60-471, 60-501, 60-520,
18 60-547, and 60-638, Reissue Revised Statutes of Nebraska, and
19 sections 60-101, 60-102, 60-136, 60-301, 60-339, 60-4,126, 60-601,
20 and 60-605, Revised Statutes Cumulative Supplement, 2008, are
21 repealed.